TO: Officer Blake Rogers

FROM: Chief Gary Haba

DATE: March 15, 2017

SUBJECT: Written Reprimand

Your performance is deficient and requires some level of administrative action. Management assumes that employees who are working in good faith want to follow the rules, regulations, policies and procedures of the organization and given constructive feedback such as this, will respond in a positive manner to help correct deficiencies.

In accordance with Beachwood Police Department Policy 06-06 Hot Pursuit, each police pursuit incident and mobile video shall be analyzed by the traffic commander, patrol commander, or the chief of police. A review was conducted of the police pursuit which took place on February 24, 2017 (CR#17007540) and the following policy violations were noted:

- **Hot pursuit is justified only when the officer knows or has probable cause to believe the suspect presents a clear and immediate threat to the safety of other motorists and has committed or is attempting to commit a serious violent felony, or when the necessity of immediate apprehension outweighs the level of danger created by the hot pursuit. (Policy 06-06)**

  - The suspect was being pursued for a fictitious license plate violation after a random LEADS inquiry of the plate information revealed a registration violation. No other criminal/traffic violations were broadcasted.

- **The officer initiating a pursuit shall, in all cases, notify the communications center as soon as reasonably possible that a pursuit is underway using the actual word “pursuit.” Additionally, the officer is to provide the following information: police unit identification, location, speed, and direction of travel, vehicle description including license number, the specific reason for the pursuit including known laws violated, number of occupants, and traffic, weather and roadway conditions. (Policy 06-06.10A)**

  - Dispatch was not advised that you were in a “pursuit,” only that the vehicle was not stopping and of the location updates. The word “pursuit” was never used and the only additional required information provided was the license plate information from the initial attempted traffic stop broadcast. None of the reckless operations of the violator witnessed or speeds traveled were relayed to the supervisor by way of a radio broadcast.
The initiating unit may maintain a pursuit as long as it is safe to do so. (Policy 06-06.10E)

- The excessive speeds traveled (in excess of 70mph) by both you and the violator and the operations at the Cedar and Green intersection were clearly not safe. The night of the week (Friday/ Sabbath), the hour (early evening), and the vehicle (and often pedestrian) traffic in that busy intersection made the continued pursuit into the area particularly dangerous.

The decision to abandon pursuit may be the most intelligent course of action. Officers must continually question whether the seriousness of the crime justifies continuing the pursuit. A hot pursuit shall be terminated under any of the following circumstances: The prevailing traffic, roadway, and environmental conditions indicate the futility of the continued hot pursuit or the pursued vehicle’s location is no longer known. (Policy 06-06.F)

- This motorist was being pursued for a license plate violation. After the violator continued through the Cedar/ Green intersection against a steady red signal slowing only enough to avoid an impending collision with other motorists lawfully in the intersection, you should have certainly been questioning your decision to continue. Additionally, as the violator continued west of Green Road, he most certainly gained significant distance on pursuing officers after they slowed to attempt to negotiate the intersection in a safer manner. That again was an opportunity to re-evaluate and justify the continued pursuit. The pursuit continued into University Heights where the violator subsequently crashed.

Officers shall keep the emergency vehicle under control at all times and drive at a speed that is safe considering visibility, weather and road conditions. Sections 4511.03 and 4511.24 of the ORC require the driver to drive with due regard for the safety of all persons using the street while at the same time allowing the driver to proceed cautiously through red lights and stop signs. (Policy 06-08.70A)

- You reached a high speed of 72mph upon approach to the Green Road intersection. That area is generally congested and contains heavy traffic due to the many gas stations, retail and commercial establishments. Your police unit was facing a red signal at Green Road upon entry into the intersection at approximately 30-35mph, which cycled to green while you proceeded through it. Your police vehicle then swerves around vehicles stopped just west of the intersection and accelerates abruptly to 60mph down Cedar Road as it drives up on the accident scene at South Belvoir Boulevard. You bypass the accident scene, maneuver around stopped motor vehicles that were northbound on Belvoir Boulevard and continue southbound in the northbound divided lanes of Belvoir Blvd. in an attempt to gain ground on the suspect now fleeing on foot.
City of Beachwood
POLICE DEPARTMENT MEMORANDUM

- Officers need not advise a supervisor or dispatch when initiating an emergency response. However, immediate notification should be made if the situation escalates to pursuit driving and the officer must adhere to the pursuit policy. (Policy 06-08.70C)

- You did not notify dispatch of the pursuit when it became apparent. You did not adhere to the pursuit policy once the pursuit was initiated. The best course of action was to terminate the pursuit yourself once it was apparent the motorist was fleeing.

The above stated actions are in violation of Standards of Conduct #6 Committing Unsafe Acts or Endangering Self or Others and Standards of Conduct #17 Knowing, Observing and Obeying all Directives, Rules, Policies Procedures.

You are being advised that failure to on your part to demonstrate correct conduct and performance will result in progressive discipline up to and including termination.

Acknowledgement of receipt [Signature]